



IN REPLY REFER TO: -

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

WASHINGTON, D.C. 20245-

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Environmental Services

JUN 4 1985

CONFIDENTIAL CLAIM RETRACTED

DATE: 5/16/83 AUTHORIZED BY: [Signature]

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JUN 28 1985

LAGUNA AGENCY

MEMORANDUM

To: Albuquerque Area Director
From: Acting Deputy Assistant Secretary - Indian Affairs
Subject: Negotiated Agreement for Reclamation of the Jackpile Mine

This is in response to your letter of April 24 in which you expressed concern about the legality of a negotiated agreement for the Jackpile Reclamation.

It is the view of the Solicitor's Office that the Department has authority to approve an agreement whereby Anaconda Company may provide a fixed sum of money for reclamation which, in turn, releases Anaconda of all responsibility. It must be stressed that the amount of funding provided by Anaconda must be sufficient to perform the reclamation in a reasonable time and in an approved manner. Moreover, the agreement must provide maximum protection for the Pueblo and the Department from liability.

The above discussion is not to be taken to mean that this is the Department's preferred approach on this matter. It is however, an approach that may be considered once the final EIS is published. Until then, it would not be appropriate to take a firm position.

Handwritten signature: M L Mills



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